

EXhibit

12



## Supreme Court of Wisconsin

OFFICE OF LAWYER REGULATION

110 EAST MAIN STREET, SUITE 315

MADISON, WI 53703-3383

[www.wicourts.gov/olr](http://www.wicourts.gov/olr)

DIRECTOR

KEITH L. SELLEN

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Central Intake

Direct Telephone: (608) 267-7274 - Ext. 1

Direct Toll Free: (877) 315-6941 - Ext. 1

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INVESTIGATORS:

JONATHAN ZEISSER

CATHE J. HAHN

CYNTHIA SCHALLY

KATHRYN GALAROWICZ

October 2, 2017

Mr. Lewis E. Byrd #657840

Dodge Correctional Inst.

P.O. Box 700

Waupun, WI 53963-0700

PERSONAL AND CONFIDENTIAL

Re: Grievance of Lewis E. Byrd Against Atty. Jeffrey C. Mochalski

Dear Mr. Byrd:

We are in receipt of your inquiry received by this office on September 7, 2017. I am the intake investigator assigned to your inquiry. The Office of Lawyer Regulation is able to investigate on a confidential basis only alleged conduct that may fall within the scope of the Wisconsin Supreme Court rules that govern lawyers' professional conduct. This office determines if an attorney has violated the rules of professional conduct. If there is a violation of the rules, the attorney may be disciplined by a reprimand, suspension or revocation of his/her license to practice law.

You assert Atty. Mochalski has not addressed your concerns regarding your sentencing credit and did not represent you diligently. Before I can complete an initial evaluation of your concerns, I need some additional information from you. Please provide a written response to the following:

1. Please provide a copy of any correspondence to Atty. Mochalski about these concerns.
2. Have you discussed these concerns with your appellate counsel? If so, what response?
3. Concerns with your appointed trial counsel may also be directed to the State Public Defender's office at PO Box 7923, Madison, WI 53707-7923.

I will look for your reply within the next two weeks. Thank you for bringing your concerns to our attention.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Cathe Hahn".

Cathe Hahn

Intake Investigator

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1054



# Supreme Court of Wisconsin

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### DIRECTOR

KEITH L. SELLEN

### CENTRAL INTAKE

### DEPUTY DIRECTOR

JULIE SPOKE

### INVESTIGATORS:

JONATHAN ZEISSER

CATHE J. HAHN

CYNTHIA SCHALLY

KATHRYN GALAROWICZ

November 9, 2017

Mr. Lewis E. Byrd #657840

Oshkosh Corr. Inst.

P.O. Box 3310

Oshkosh, WI 54903-3310

## PERSONAL AND CONFIDENTIAL

Re: Grievance of Lewis E. Byrd Against Atty. Zachary Leigh

Dear Mr. Byrd:

We are in receipt of your inquiry received by this office on October 24, 2017. I am the intake investigator assigned to your inquiry. The Office of Lawyer Regulation is able to investigate on a confidential basis only alleged conduct that may fall within the scope of the Wisconsin Supreme Court rules that govern lawyers' professional conduct. This office determines if an attorney has violated the rules of professional conduct. If there is a violation of the rules, the attorney may be disciplined by a reprimand, suspension or revocation of his/her license to practice law. You assert Atty. Leigh misrepresented the bond situation to you to obtain withdrawal of your speedy trial request.

At this time, I do not need any further information from you. However, should you wish to add any additional information, please feel free to contact me in writing at the above address.

When I have completed the evaluation of your inquiry, you will receive written notification of the result. Thank you for bringing your concerns to our attention.

Very truly yours,

A handwritten signature in black ink, appearing to read "Cathe Hahn".

Cathe Hahn  
Intake Investigator

Exhibit D  
2014



**ORDER APPOINTING COUNSEL**

**Client's Full Name:** Lewis E Byrd  
**Address:** Hennepin County adult Detention Center  
 401 South 4th Ave  
 Minneapolis, WI 55415

**Client ID:** MAP1315081  
**SPD ID:** 176200157Z  
**File No:** 17P-62-L-L00157  
**Case Group #:** 2164206  
**Date of Birth:** [REDACTED] 1977  
**DOC #:**

**Statutes:**

**Nature of Case:**

346.04(3) Vehicle Operator Flee/Elude Officer FU 2 Cnts:  
 Charge Modifier 939.62(1)(b) Habitual Criminality (Prison <= 10 yrs)  
 346.62(3) Reckless Driving - Cause Bodily Harm MU 1 Cnts:  
 Charge Modifier 939.62(1)(a) Habitual Criminality (Prison <= 1 yr)

**County and Court:** Vernon Circuit Court  
**Other Information:** Judge: Rosborough, Michael J.  
 Record Created: July 17, 2017  
 Judgment Entered: June 07, 2017  
 Type: Felony: Guilty Plea

**Case No:**

16-CF-115

IN ACCORDANCE WITH CHAPTER 977 OF THE WISCONSIN STATUTES, I HEREBY APPOINT THE FOLLOWING ATTORNEY TO REPRESENT THE ABOVE NAMED INDIVIDUAL IN RELATION TO THE ABOVE ENTITLED PROCEEDINGS.

**Attorney's Name:** Kristopher R Ellis  
**Address:** 995 Applegate Rd Ste 3  
 Madison, WI 53713 3279

Local Counsel

SPD Office Handling: Madison

**Appointed By:** Joseph N. Ehmann

**State Bar No:** 1094245  
**Phone Number:** (608) 852-7774

Case Opened, Court Record & Transcripts Ordered: July 17, 2017

**Office of the State Public Defender - Notice to Clients - File Retention Policy**

When an attorney represents an individual, s/he makes and keeps a file of the documents and work done on the case. Attorneys on staff with the Office of the State Public Defender (SPD) create and maintain such files for each case. This notice applies only to cases handled by staff attorneys of the Office of the State Public Defender. If your case has been assigned to a private attorney, please consult that attorney about his or her file retention policy. Upon the conclusion of the representation in this case, the SPD will, upon your request, deliver the original file or any portion requested, to you, along with any of our original documents or other property that the SPD has in its possession. If you do not request your file, the SPD will retain it for a period of at least five years after the matter is closed. At any point during this period, you may request delivery of the file. If you do not request the file before the end of the five-year period, the SPD may, in its discretion, destroy the file and its contents without further notice to you.

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## PAYMENT OPTIONS for SPD Appellate Division Cases

You have two options:

1. **ONE-TIME PREPAYMENT**

Mail your PREPAYMENT to the Client Accounts & Verification Unit (CAVU) – see contact information below. The amount and the due date are written on the payment envelope. If you have already sent this prepayment, you do not have to do anything else.

TOTAL AMOUNT DUE

\$120 (for a Category 1 case)

\$ 60 (for a Category 2 case).

OR

2. **PAYMENT PLAN**

Call or mail the CAVU staff (1-800-445-2230) to set up a monthly payment plan. The total amount is listed below. Monthly payments must start no later than 60 days after the date on the order appointing counsel.

<u>TOTAL AMOUNT DUE</u>	<u>MINIMUM AMOUNT DUE EACH MONTH</u>	<u>NUMBER OF MONTHS</u>
\$1,200 (Category 1)	\$25	48
\$ 480 (Category 2)	\$25	19.2

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### NOTICE

It is your responsibility to make your payment according to one of these options. If you do not make a payment, your account may be referred to a collection agency. If you do not send the one-time lower prepayment by the due date (option 1), the CAVU will send you a reminder letter before your first payment plan installment is due (option 2). This reminder will include a form with instructions for you to follow if you believe that you do not have the ability to pay *any* amount on a payment plan. **It is important for you that we have your current mailing address.**

### **MAIL ALL PAYMENTS AND ADDRESS CHANGES TO:**

**CLIENT ACCOUNTS & VERIFICATION UNIT (CAVU)**

**SPD ADMINISTRATION, PO BOX 7923, MADISON, WI 53707-7923.**

Please contact the CAVU staff at the above address, or at **1-800-445-2230**, if you have any questions after reading this notice.

**..... PLEASE KEEP THIS NOTICE .....**

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